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Fulton Lewis

JUDGE DIRECTS ACQUITTAL OF FULTON LEWIS

Key Witness Balks in Libel Trial

(Reprinted from yesterday's late editions)
 Ellicott City, Md., June 14 (AP) — Fulton Lewis Jr., radio commentator, won a directed verdict of acquittal on a rare criminal libel charge today when a key state's witness refused to testify on grounds of self-incrimination.



Lewis

Judge James Clark directed the acquittal in Howard county Circuit court after prosecutors failed repeatedly to draw from Sheridan Fahnestock, publisher of the weekly St. Mary's Enterprise, answers about a letter Lewis allegedly wrote the paper.

Lewis was charged with libeling State Sen. Paul J. Bailey in the letter, and Fahnestock apparently had been expected by the state to produce it.

Invokes 5th Amendment

"I take my privilege under the fifth amendment," he said in refusing at the outset to testify about anything which could incriminate him.

Judge Clark upheld the witness and told State's Attorney Joseph A. Mattingly of St. Mary's county:

"You can't make this man incriminate himself. If Mr. Lewis is guilty of libel, then this man is too and you didn't indict him.

"You've got to prove the corpus delicti [in this case, the existence of the letter] before you can do anything else," he added.

Judge Clark gave Mattingly until June 17 to decide whether he wants to try to prosecute Lewis on a second libel indictment. This one charges he libeled Bailey, former State Sen. Philip Dorsey and Joseph Weiner, Leonardtown lawyer and chairman of the Republican state central committee in St. Mary's county.

This indictment is based on a separate letter in the Enterprise which was printed over the name of Lewis. The letter carried a line saying it was reprinted from the Congressional Record.

Indictment Quotes Letter

The indictments against Lewis were returned Feb. 25 by a St. Marys county grand jury which had set out to investigate charges Lewis made on nation wide radio broadcasts about alleged laxity of enforcement of gambling and liquor laws in the county, where Lewis is a resident.

One other libel indictment and one charging perjury were thrown out by Judge Clark before today's trial.

The published letter on which today's trial was based was quoted in the indictment as referring to "the scandal of school board appointments" and "the whole, reeking political racket that has held St. Marys county by the throat for untold years and by intimidation and strong arm methods is trying to perpetuate that control.